

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA,	)
	)
	)
Plaintiff,	) Civil Action No. 05-10112 RCL LTS
	)
v.	)
	)
THE COMMONWEALTH OF	)
MASSACHUSETTS, <i>et al.</i>	)
	)
	)
Defendants.	)
	)

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**CONSENT MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO THE  
COMMONWEALTH OF MASSACHUSETTS' COUNTERCLAIM**

Plaintiff and counter-defendant in this action, the United States of America (“plaintiff”), respectfully requests an extension of time in which to respond to the counterclaims filed by defendants and counter-plaintiffs the Commonwealth of Massachusetts, *et al.* (“defendants”), until April 14, 2008. Undersigned counsel has consulted with counsel for defendants who represented that defendants consent to the relief requested in this Motion.

Good cause exists for this Motion. Without opposition from the United States, defendants sought and received leave of Court to file a two-count, 130-paragraph amended counterclaim that raises claims under the Administrative Procedure Act and the National Environmental Policy Act concerning a recent rulemaking by the Coast Guard. The United States requests the additional time to fully research and respond to defendant’s counterclaim while preparing the pertinent administrative record.

As noted, defendants consent to the relief requested in this Motion. Undersigned counsel has informed defendants that, should the United States file a Rule 12 motion in response to the

counterclaim, the United States will not object to a request by defendants to file their opposition, if any, on or before May 14, 2008.

WHEREFORE, for good cause shown plaintiff the United States respectfully requests the Court grant this Motion for Enlargement of Time.

DATED this 15th day of February, 2008.

Respectfully Submitted,

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